

Ward:	College Ward;
Site:	Land Rear of 23A to 33 Links Road, Epsom, Surrey
Application for:	Erection of three dwellings with associated access, parking, landscaping and other minor ancillary development
Contact Officer:	Euan Cheyne

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R221XMGYM2N00>

2 Summary

- 2.1 The application is classified as a minor planning application, which has been called into the Planning Committee by Councillor Julie Morris on 02/12/2021, on overdevelopment and backland development grounds.
- 2.2 The application seeks planning permission for the erection of 3 x 5 bedroom detached dwellings with associated access, parking, landscaping and other minor ancillary development.
- 2.3 The proposed dwellings would be located to the rear of the established frontage properties on Links Road and Higher Green, therefore they would not be highly visible from the streetscene. Consequently, the proposed development would not be seen as forming part of the immediate context of the frontage properties on Links Road and Higher Green, therefore any impact upon the streetscene is considered to be negligible.
- 2.4 The proposed dwellings, by reason of their siting (sufficiently set in from the respective shared boundaries) in relation to the neighbouring built form, is not considered to have any significant impact upon neighbouring residential amenities.
- 2.5 The proposal would provide 9 on-site car parking spaces, therefore complying with the minimum standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015).

- 2.6 The proposed development would comprise of 14 replacement trees, a mix of Silver Birch and Lime trees. There would also be native hedgerow planting throughout the site. It is considered that there would be some betterment on site i.e. more trees are planted than would be lost and thus the loss of T2, T27 and T28 has been mitigated. The Council's Arboricultural Officer has raised no objection in principle.
- 2.7 A number of ecological enhancement measures are proposed to include the creation of native hedgerows, native wildflower green roof planting and bird/bat boxes. The Council's Ecology Officer has raised no objections, subject to a planning condition outlining the implementation and monitoring of the proposed enhancements.
- 2.8 There is a presumption in favour of granting sustainable development unless the application policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.9 The planning history of the site is a substantial material consideration in this case. The Planning Inspectorate in both dismissed appeal decisions (ref. APP/P3610/W/16/3165832 in 2017 and ref. APP/P3610/W/19/3240329 in 2020) concluded that the application site is not a rear garden, therefore the specific presumption against the loss of rear domestic gardens in Policy DM16 does not apply.
- 2.10 It is considered that the proposal has taken into account the previous concerns raised by the Planning Inspector on the harmful effect on character and appearance of the surrounding area/experienced from the rear of properties on Links Road and the relationship with nearby trees and overcome them.
- 2.11 The application is recommended for APPROVAL subject to planning conditions being imposed.

3 Site Description

- 3.1 The site comprises an oblong parcel of land of approximately 0.355 hectares located to the rear of No's. 23A to 33 Links Road and the rear of No's 35 to 45 Higher Green. It is located on the north east side of Links Road. The site includes an access strip located between No's. 25 and 27 Links Road.
- 3.2 The site presently comprises of large areas of grassland with mature trees located around the site's periphery. The surrounding area is predominantly residential in character and appearance comprising of two storey detached properties.

- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area, however the site backs onto the Higher Green Conservation Area. There are a number of Tree Preservation Orders (TPOs) around the perimeter of the site.

4 Proposal

- 4.1 The application proposes the erection of three dwellings with associated access, parking, landscaping and other minor ancillary development.

5 Comments From Third Parties

- 5.1 The application was advertised by means of letter of notification to 15 neighbouring properties. To date (02/03/2022) 47 letters of objection (not including duplicates or those from the same address) have been received, summarised below:

- no material difference in this application compared to previous refused applications
- inappropriate backland development
- adverse visual impact
- design; inappropriate architectural style
- impact on character; bulk and size of buildings out of proportion to the size of the land to be developed
- development is on the edge of the Higher Green Conservation Area; the outlook from residents back gardens should be preserved
- generation of noise and disruption
- impact on drainage, flooding etc.
- impact on ecology/wildlife etc.
- impact on biodiversity; concern that proposed green roofs will not be maintained to a standard that enhances biodiversity
- threat to the garden land, trees and wildlife that currently resides on this piece of land
- potential root damage to trees
- loss of light
- overbearing
- loss of outlook

Planning Committee:
10/03/2022

Planning Application
Number: 21/01762/FUL

- impact on neighbour amenities
- traffic/parking implications; significant potential for accidents from the entrance to the proposed development
- contrary to local plan policies
- proposed buildings are not modest in terms of their scale, bulk and footprint in conflict with Policy DM16
- would set a precedent for the rest of the street to start building homes in back gardens

A petition objecting to the planning application with 267 signatures to date (02/03/2022) has also been received.

A small number of objection letters contained non-planning related matters (e.g. problems arising from the construction period and restrictive covenants).

To date (02/03/2022) 20 letters of support have been received, summarised below:

- support design
- will add value to the area
- proposed houses are not visible from Links Road or Higher Green so no adverse visual impact
- will help meet housing targets; question why more cannot be provided
- energy efficient homes
- development will still leave plenty of garden and space for wildlife
- existing utilities will be more than capable of dealing with any extra demand
- adequate parking provision

The neighbouring properties formally notified of the application were No's. 23, 23A, 25, 27 and 29 Links Road; and No's. 35, 37, 39, 41 and 43 Higher Green.

The application site address is stated to be Land Rear of 23A to 29 Links Road, however the red line site boundary also lies to the rear of No's. 31 and 33 Links Road. As such, No's. 31, 33 and 37 Links Road; and No's. 45 and 47 Higher Green were later formally notified of the application.

6 Consultations

- 6.1 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions.
- 6.2 **Epsom and Ewell Borough Council Arboricultural Officer:** No objections in principle, subject to planning conditions. There needs to be a tree protection condition applied requiring submission of tree protection details and method statements, because the service plans have not had the benefit of arboricultural appraisal. On balance consider that plots 1 and 2 are acceptable, but it would be preferable from a future living standards perspective to have just one house.
- 6.3 **Epsom and Ewell Borough Council Ecology Officer:** No objections, subject to a planning condition outlining the implementation and monitoring of the proposed enhancements.

7 Relevant Planning History

19/00354/FUL	Erection of 4 new dwellings and associated access, parking and landscaping.	Application Refused 31/05/2019; Appeal Dismissed 24/02/2020
16/00213/FUL	Erection of 4 new dwellings, vehicular and pedestrian access, parking and secure cycle storage and landscaping.	Application Refused 11/07/2016; Appeal Dismissed 09/06/2017

8 Planning Policy

National Planning Policy Framework (NPPF) (July 2021)

Local Development Framework (LDF) Core Strategy (July 2007)

Policy CS3 – Biodiversity

Policy CS5 – The Built Environment

Policy CS6 – Sustainability in New Developments

Policy CS16 – Managing Transport and Travel

LDF Development Management Policies Document (September 2015)

Policy DM4 – Biodiversity and New Development

Policy DM5 – Trees and Landscape

Policy DM8 – Heritage Assets

Policy DM9 – Townscape Character and Local Distinctiveness

Policy DM10 – Design Requirements for New Developments (including House Extensions)

Policy DM11 – Housing Density

Policy DM12 – Housing Standards

Policy DM16 – Backland Development

Policy DM21 – Meeting Local Housing Needs

Policy DM22 – Housing Mix

Policy DM35 – Transport for New Development

Policy DM36 – Sustainable Transport for New Development

Policy DM37 – Parking Standards

9 Planning Considerations

9.1 The main issues for consideration in relation to this application are as follows:

- Principle of Development
- Quality of Accommodation
- Housing Mix
- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Trees and Landscaping
- Biodiversity and Ecology
- Sustainability
- Community Infrastructure Levy (CIL)
- Conclusion/Planning Balance

Principle of Development

- 9.2 Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.3 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.4 Policy CS7 (Housing Provision) of the Council's LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the LDF Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 (including 20% buffer) new residential dwellings per year.
- 9.5 Meeting any increase in the annual housing target will be challenging, by reason that the Borough is mostly comprised of existing built up areas, strategic open spaces or Green Belt, therefore the supply of available development sites is now extremely limited. As such, it is important that available sites are optimised for housing delivery.
- 9.6 The planning history of the site is a substantial material consideration in this case. In 2017 (ref. APP/P3610/W/16/3165832) and 2020 (ref. APP/P3610/W/19/3240329) there were two appeals, both dismissed. The proposed development in both of these appeals was for the erection of 4 detached dwellings, arranged at angles to each other and of a contemporary design. The most recent 2020 appeal decision was dismissed on the grounds that the scale and density of the development proposed would have a harmful impact on the character and appearance of the surroundings and result in the loss of trees that make an important contribution to the area.
- 9.7 Policy DM16 (Backland Development) of the Council's LDF Development Management Policies Document (2015) states that there will be a presumption against the loss of rear domestic gardens due to the need to maintain local character, amenity space, green infrastructure and biodiversity.
- 9.8 The Planning Inspectorate in both dismissed appeal decisions concluded that the application site is not a rear garden, therefore the specific presumption against the loss of rear domestic gardens in Policy DM16 does not apply. It was further stated that the principle of achieving some development on the site would be acceptable, and thus the applicant in preparing this scheme has used this decision from which to basis their approach.

- 9.9 The application proposes a net gain of 3 residential units, therefore helping to contribute to these annual housing targets. In addition, the Council are currently unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.10 The surrounding area is predominantly residential in character and appearance, therefore current planning policy would not preclude the redevelopment of the site within an already developed urban residential area. As such, the principle of creating additional residential units is acceptable, subject to the below other material planning considerations.

Quality of Accommodation

- 9.11 Policy DM12 (Housing Standards) of the Council’s LDF Development Management Policies Document (2015) states that all new developments, including conversions, are required to comply with external and internal space standards.
- 9.12 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.
- 9.13 Paragraph 3.35 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of houses, a minimum of total private outdoor space of 70sqm should be provided for 3 or more bedrooms and subject to development viability and practicality the Council will seek a minimum depth of 10 metres of domestic rear garden space.
- 9.14 The application proposes 3 x 5 bedroom detached dwellings.

Unit	Number of Bedrooms (b) / Number of Bed Spaces (p)	Minimum Gross Internal Area (GIA)	Proposed GIA
1	5b/8p	121sqm	269sqm
2	5b/8p	121sqm	269sqm
3	5b/9p	121sqm	400sqm

- 9.15 Policy DM12 (Housing Standards) of the Council’s LDF Development Management Policies Document (2015) states that amenity space for all new dwellings should be:
- (i) private, usable, functional, safe and bio-diverse;
 - (ii) easily accessible from living areas;
 - (iii) orientated to take account of the need for sunlight and shading;

- (iv) of a sufficient size to meet the needs of the likely number of occupiers; and
- (v) provide for the needs of families with young children where the accommodation is likely to be occupied as such.

9.16 The proposed dwellings would exceed the minimum internal and external space standards set out above, therefore providing adequate internal and private amenity arrangements.

9.17 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) and the Technical Housing Standards – Nationally Described Space Standards (2015).

Housing Mix

9.18 Policy DM22 (Housing Mix) of the Council's LDF Development Management Policies Document (2015) states that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal. It further states that on sites particularly suited to larger-sized family houses, the Council will encourage the proportion of units having 3 or more bedrooms, as specified above, to be exceeded.

9.19 It is considered that the site is an appropriate location for larger-sized family houses, therefore the proposal would comply with Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015).

Impact upon Character and Appearance of the Area

9.20 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment.

9.21 Paragraph 130 of the NPPF (2021) sets out that planning decisions should ensure that developments [inter alia] add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

9.22 Paragraph 134 of the NPPF (2021) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- 9.23 Paragraph 3.7.5 of the Council's LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.24 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.25 The proposed layout would be of a more regular, orthogonal pattern of buildings, responding to Links Road and Higher Green. The proposed dwellings would be of a L-shaped footprint and would be designed with a flat roof form, to a maximum height of approximately 6.5 metres.
- 9.26 The proposed dwellings would be located to the rear of the established frontage properties on Links Road and Higher Green, therefore they would not be highly visible from the streetscene. Consequently, the proposed development would not be seen as forming part of the immediate context of the frontage properties on Links Road and Higher Green, therefore any impact upon the streetscene is considered to be negligible.
- 9.27 The proposed development, by reason of its siting in relation to the neighbouring Higher Green Conservation Area and the tree screening that will remain, is not considered to have any significant impact upon the setting of the adjacent Higher Green Conservation Area.

- 9.28 The Planning Inspector stated in appeal ref. APP/3610/W/19/3240329; Paragraph 9 that the layout and design of the proposed development is a concern due to its effect on the character and appearance of the area as experienced from the rear of the properties on Links Road. They go on to state in Paragraph 11 that as a result of the density, in views from surrounding properties the dwellings would appear close together which would give them a cluttered appearance. The positioning of the dwellings, at angles to each other, would contrast poorly with the more regular pattern of buildings in the area and would further reinforce the cramped appearance.
- 9.29 It is considered that the applicant has addressed and overcome the previous concerns raised by the Planning Inspector. This scheme would have a reduced developed area, volume and height with an orthogonal alignment of built form which is considered to be more compatible with the surrounding urban grain. The proposed dwellings are considered to be placed more compactly within the centre of the site, therefore maintaining a greater openness to the site.
- 9.30 The choice of materials will be particularly important in terms of designing a high quality development and to ensure that the design is appropriate within the surrounding local context. The proposed materials and finishes would comprise of dark brick, metal cladding and timber cladding for the external walls, ply membrane with grass covering for the roof and dark grey aluminium framed windows. The contemporary materials palette, designed to sit camouflaged amongst the established sylvan backdrop, is considered acceptable in principle in this location, however it is considered that further details and samples should be secured via a planning condition to ensure a high quality appearance of completion of the development.
- 9.31 As such, it is considered, that the proposal would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 9.32 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.

- 9.33 It is considered that the location of the proposed dwellings would be of a sufficient distance away from neighbouring properties to ensure there would be no significant impact upon neighbouring residential amenities. The side elevation of Plot 1 would be located approximately 24.8 metres from No. 25 Links Road, the side elevation of Plot 2 would be located approximately 43.1 metres from No. 37 Higher Green and the side elevations of Plot 3 would be located approximately 42.7 metres from No. 41 Higher Green and approximately 37.9 metres from No. 27 Links Road. Furthermore, the majority of the existing screening by trees would remain, therefore any overshadowing would be no greater than the existing set up.
- 9.34 There are no first floor side facing windows, therefore there is not considered to be any undue overlooking or issues regarding privacy to the properties located on Links Road or Higher Green.
- 9.35 There would be more comings and goings in comparison to the existing set up, however any increase in noise and disturbance would be compatible within a built up area/residential setting and would not be significant enough to warrant grounds for refusal.
- 9.36 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Highways, Parking and Cycle Parking

- 9.37 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.38 Policy CS16 (Managing Transport and Travel) of the Council's LDF Core Strategy (2007) states [inter alia] that development proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.39 Policy DM37 (Parking Standards) of the Council's LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

- 9.40 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) requires a minimum of 3 off-street car parking spaces per 4+ bedroom house. As such, in accordance with Table 1 the proposal should provide a minimum of 9 car parking spaces.
- 9.41 Surrey Design: A Strategic Guide for Quality Built Environments: Technical Appendix (2002) states that the minimum carriageway for 0-25 dwelling is 4.1 metres.
- 9.42 Dwg No. 405(PL)05 – Proposed Ground Floor GA Plans demonstrates that the proposal would be provided with 9 car parking spaces, 3 per dwelling, therefore complying with the above standards. The existing access strip located between No's. 25 and 27 Links Road has a width of approximately 5.5 metres. This is considered to be of a sufficient width to accommodate two cars to pass (infrequent event due to the number of units proposed) on the access strip. It would comply with the minimum carriageway widths set out above.
- 9.43 The site includes an access strip located between No's. 25 and 27 Links Road.
- 9.44 Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 2 cycle spaces per 3+ bedroom units. Dwg No. 405(PL)05 – Proposed Ground Floor GA Plans indicates provision for 2 covered and secure bicycle spaces per dwelling, therefore complying with the standards.
- 9.45 Surrey County Council Highway Authority raised no objections to the proposal, subject to planning conditions. The CHA have recommended that a permeable bound material is used for the driveway to prevent any material being dragged onto the highway from vehicles utilising the access. This aspect will be secured via a planning condition.
- 9.46 It is acknowledged that there does not appear to be a dedicated footpath as part of the access strip into the site from Links Road, however by reason of the infrequent use of the access strip due to the number of units proposed, it is considered that a shared space concept where people and traffic are not clearly separated would be acceptable in this instance. Furthermore, no issues were found in any of the previous applications or appeals with regards to access arrangements.
- 9.47 As such, it is considered that the proposal would not give rise to any severe highway impacts and would comply with the NPPF, Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

Refuse and Recycling Facilities

- 9.48 Dwg No. 405(PL)05 – Proposed Ground Floor GA Plans indicates refuse and recycling storage to the front of each dwelling. It is considered that further details of the refuse/recycling storage shall be provided to ensure that it is fit for purpose. This aspect will be secured via a planning condition.
- 9.49 Section 4.10 of the submitted Design and Access Statement shows a swept path analysis which demonstrates that the refuse vehicle would be able to enter the site and turn and exit in forward gear.

Trees and Landscaping

- 9.50 Policy DM5 (Trees and Landscape) of the Council's LDF Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 9.51 It is imperative that where possible every effort is made to incorporate as much soft landscaping as possible to avoid an over dominance of hard landscaping.
- 9.52 The applicant has submitted an Arboricultural Implications Report and Method Statement [prepared by David Archer Associates].
- 9.53 The following trees are to be removed to facilitate the development:
- T2 – Ash (Category C)
 - T28 – Lime (Category B)
- 9.54 The Council's Arboricultural Officer has raised some concern with the poor relationship of Plots 1 and 2 with T6, T7 and T8, advising that these Sycamore are very large specimens and they will be very dominant to the house and the garden amenity space. It is considered that one larger plot on this side would be more desirable so there is more garden space and a more harmonious building spatial separation from the trees, however by reason that these are outside the application site and the Council would still be able to control the level of pruning and resist unjust felling proposals, it is considered that two plots/houses on this side would be on balance acceptable.

- 9.55 The Council's Arboricultural Officer has stated that with the passage of time they no longer consider it sustainable to retain T27 – Horse Chestnut, by reason that this tree has limited useful life expectancy. It is considered that retaining a large tree in such a condition and so dominant to the rear environs of the house it is not sustainable as the tree will quickly become a safety liability.
- 9.56 The siting of the proposed dwellings more compactly within the centre of the site is considered to allow for a greater distance from the root protection areas of nearby trees and is therefore considered to overcome the concerns raised by the Planning Inspector.
- 9.57 The proposed development would comprise of 14 replacement trees, a mix of Silver Birch and Lime trees. There would also be native hedgerow planting throughout the site. It is considered that there would be some betterment on site i.e. more trees are planted than would be lost and thus the loss of T2, T27 and T28 has been mitigated.
- 9.58 It is considered that further details of hard and soft landscaping should be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Biodiversity and Ecology

- 9.59 Policy CS3 (Biodiversity) of the Council's LDF Core Strategy (2007) states [inter alia] that wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 9.60 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) states that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if [inter alia] the development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site.
- 9.61 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) further sets out that development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 9.62 The applicant has submitted an Ecological Statement [prepared by The Ecology Co-op Environmental Consultants], following a repeat walkover survey, further to a Phase 1 Habitat survey undertaken in March 2016 and a subsequent updated appraisal in February 2019. It concludes that habitat value and conditions of the site have not significantly changed from those recorded in February 2019 and March 2016.
- 9.63 The Ecology Statement indicates that a number of enhancement measures are proposed to include the creation of native hedgerows, native wildflower green roof planting and bird/bat boxes, as well as the removal of cherry laurel and buddleia could be removed from the site to prevent these non-native invasive species from spreading.
- 9.64 The Council's Ecology Officer has no objections to the findings of the Ecology Statement, subject to a planning condition outlining the implementation and monitoring of the proposed enhancements.
- 9.65 As such, it is considered that the proposal would comply with Policy CS3 (Biodiversity) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

Sustainability

- 9.66 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.67 It is considered that environmental sustainability should be integral to all development.
- 9.68 It is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2021), Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) and Policy CS6 of the LDF Core Strategy (2007).

Community Infrastructure Levy (CIL)

- 9.69 The proposal would be CIL liable.

Conclusion/Planning Balance

- 9.70 Paragraph 11(d) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 9.71 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.72 The provision of 3 family-sized residential units each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 9.73 Taking all the matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the minor negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development. It is considered that the proposal has taken into account and overcome the previous concerns raised by the Planning Inspector on the harmful effect on the character and appearance of the surrounding area/experienced from the rear of properties on Links Road and the relationship with nearby trees and overcome them.

CONDITION(S):

- (1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

405(PL)00 Location Plan
405(PL)02 Proposed Ground Floor Site Plan
405(PL)03 Proposed First Floor Site Plan
405(PL)04 Proposed Roof Level Site Plan
405(PL)05 Proposed Ground Floor GA Plans
405(PL)06 Proposed First Floor GA Plans
405(PL)07 Proposed Elevations – Unit 1
405(PL)08 Proposed Elevations – Unit 2
Preliminary Ecological Appraisal Phase 1 Habitat Assessment
Ecological Statement
Arboricultural Implications Report and Method Statement
Energy and Sustainability Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, details and samples of all external materials (including boundary treatment) to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (5) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (6) Prior to above ground works, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that

purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (7) The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) No part of the development shall be first occupied unless and until the proposed modified vehicle access has been constructed using a permeable bound material in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (9) No part of the development shall be first occupied unless and until the proposed pedestrian access has been constructed in accordance with Dwg No. 405 (PL) 02 Rev C.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (10) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with Dwg No. 405 (PL) 02 Rev C for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policies DM35 (Transport and New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (11) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (12) No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) provision of boundary hoarding behind any visibility zones;
- (e) measures to prevent the deposit of materials on the highway;
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
- (g) on-site turning for construction vehicles (or measures for traffic management)

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during construction of the development.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (13) The development hereby approved shall not be occupied until details of the refuse and recycling facilities for the occupants of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory refuse and recycling facilities in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (14) Prior to commencement of the development (other than ground works and access construction) a Tree Protection Plan and Method Statement in

accordance with British Standard 5837:2012 (or later revision) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of visual amenities in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM5 (Trees and Landscape) and DM9 (Townscape Character and Local Distinctiveness) of the LDF Development Management Policies Document (2015).

- (15) The development hereby approved shall be carried out in accordance with the submitted Arboricultural Implications Report. A completed schedule of site supervision inspection and monitoring of the arboricultural protection measures shall be submitted to and approved in writing by the Local Planning Authority within 28 days from completion of the development hereby approved. This condition may only be fully discharged on completion of the development, subject to satisfactorily written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout the construction by a suitably qualified and pre-appointed tree specialist.

Reason: To protect the trees on site which are to be retained in the interests of visual amenities of the locality in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM5 (Tree and Landscape) of the LDF Development Management Policies Document (2015).

- (16) Prior to above groundworks a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Statement [prepared by The Ecology Co-op Environmental Consultants] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

Planning Committee:
10/03/2022

Planning Application
Number: 21/01762/FUL

- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (7) Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.